

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

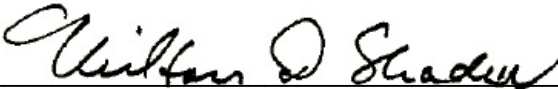
CHICAGO TILE INSTITUTE	)	
WELFARE PLAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 12 C 2619
	)	
C.E. KORSGARD COMPANY,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

C.E. Korsgard Company ("Korsgard") has filed its Answer in this ERISA action brought against it to collect contributions to trust funds established pursuant to a collective bargaining agreement. This memorandum order is issued sua sponte to require flawed provisions of that responsive pleading to be corrected.

Answer ¶¶ 6 and 7 both assert that the collective bargaining agreement and the trust agreement establishing the funds "speak for themselves." That won't do – see App'x 3 to State Farm. Mut. Auto Ins. Co. v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001).

Accordingly, Answer ¶¶ 6 and 7 are stricken and must be replaced on or before June 8, 2012 with proper answers to the corresponding Complaint allegations. And while Korsgard's counsel is at it, he must also eliminate his meaningless demand for "strict proof" (whatever that may mean).

  
Milton I. Shadur  
Senior United States District Judge

Date: May 29, 2012